

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Joshua Smith,
a/k/a Joshua Bernard Smith-Bey,

Civil No. 17-1347 (DWF/HB)

Petitioner,

v.

**ORDER ON REPORT
AND RECOMMENDATION**

Tom Roy,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated July 16, 2018. (Doc. No. 16.) No objections have been filed to that Report and Recommendation in the time period permitted.¹ The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

¹ On July 18, 2018, Petitioner filed a “Petition to Vacate, Set Aside Judgment and Recall Bonds with Full Settlement and Closure of Account.” (Doc. No. 18.) Petitioner, however, signed the Petition on July 10, 2018, several days before the Magistrate Judge issued her Report and Recommendation. In addition, the Petition does not identify any specific portion of the Report and Recommendation to which he objects. The Court finds that this filing is not a proper objection and, therefore, declines to consider it as such.

ORDER

1. Magistrate Judge Hildy Bowbeer's July 16, 2018 Report and Recommendation (Doc. No. [16]) is **ADOPTED**.
2. Joshua Smith-Bey's Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. No. [1]) is **DENIED**.
3. No certificate of appealability will be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 20, 2018

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge